

Remarks:

In the Office Action, claim 21 was rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Claims 1-3 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Claims 1-10 were rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Applicants' description of Japanese Laid-open No. Hei 3-85886 ("Hei 3-85886"), and Japanese Patent Application Laid-open No. Hei 9-86569 ("Hei 9-86569") in the Background of the application. Claims 11-21 were rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Applicants' admitted prior art in view of O'Connor et al., U.S. patent publication US 2003/0108646 A1.

The above-described rejections are addressed as follows:

A) REJECTIONS UNDER 35 U.S.C. § 112

i) 35 U.S.C. § 112, second paragraph, claims 1-3

Claims 1-3 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention.

Claim 1 has been amended to more precisely state "wherein said ~~drip-absorption mat~~ porous surface sheet." This amendment has been done to better claim the invention, and does not pertain to patentability.

Claim 1 has also been amended to recite: "wherein said ~~drip-absorption mat~~ porous surface sheet is configured to prevent color deterioration on a side of the food adjoining said porous surface sheet by augmenting adding to the breathability of said absorption sheet in both the horizontal and thickness directions."

Support for these amendments may be found on page 15, lines 3-16, which recites:

Furthermore, some devices have been also made to structurally improve breathability, which will be described below.

5 First, in a tray mat according to a conventional technique (Japanese Patent application Laid-open No. Hei 9-86569) shown in Fig. 11A, the composition material 20 of a network (corresponding to the surface sheet 13 in this embodiment) put on the surface of a tray mat is of a bulky body so that the air penetrating from the horizontal direction of the absorption
10 sheet 11 is to pass through under the bulky network composition material 20, as shown by the solid arrow in this figure, and flow out from mesh portions (corresponding to the aperture 13a in this embodiment) of the network.

15 In contrast, in the drip absorption mat according to this embodiment, as shown by a solid arrow in Fig. 11(B), the air penetrating from the horizontal direction of the absorption sheet 11 is to pass through the hollow cavity 13c formed inside the convex 13b, and flow away from the aperture 13a of the surface sheet 13.

20 Further support can be found in numerous locations, such as page 3, lines 21-25; page 4, lines 23-25; page 6, lines 13-16; and page 11, lines 28-33.

25 Dependent claims 2-3 incorporate the limitations of claim 1. In light of this amendment, Applicants respectfully request the rejections under 35 U.S.C. § 112, second paragraph, of claims 1-3, be withdrawn.

ii) 35 U.S.C. § 112, first paragraph, claim 21

30 Claim 21 was rejected under 35 U.S.C. § 112, first paragraph, with the assertion that in claim 21, lines 6-7, the statement that “the surface is configured to support the food item while maintaining the cavity between the absorption sheet and the surface sheet” appears to be new matter. Applicants respectfully traverse this rejection.

Page 8, lines 1-4 of the specification recite the following statement:

With such a composition, a *space with the film being absent is increased*
to exceed a predetermined level in the space occupied by said porous
5 surface sheet, so that the air in the space can be guided to the inside of
apertures to increase the air volume to be in contact with the surface of
food. (emphasis added)

Furthermore, as noted in the prior section reference with respect to page 15, lines 3-16:

10 [S]ome devices have been also made to *structurally* improve
breathability. . . .

[T]he air penetrating from the horizontal direction of the absorption sheet
11 is to pass through the *hollow cavity 13c formed inside* the convex 13b,
15 and flow away from the aperture 13a of the surface sheet 13. (emphasis
added)

Applicants note that structurally maintaining a cavity configured for air passage
will inherently entail structurally supporting the food item. This is depicted in Figure 15,
20 which shows the food item being supported by the surface sheet, and Figure 11(B), which
shows air passage into the hollow cavities, 13c.

Therefore, the terminology of claim 21 is fully supported by the specification. In
light of the above, Applicants respectfully request the rejection under 35 U.S.C. § 112,
25 first paragraph, of claim 21, be withdrawn.

B) REJECTIONS OF CLAIMS 1-10 OVER THE CITED ART

30 Claims 1-10 were rejected as unpatentable under 35 U.S.C. § 103(a), over
Applicants' admitted art, Japanese Laid-open No. Hei 3-85886 ("Hei 3-85886"), and
Japanese Patent Application Laid-open No. Hei 9-86569 ("Hei 9-86569") in the
Background of the application.

i) The Cited Art Fails to Teach or Disclose All the Claim Limitations

To establish a *prima facie* case of obviousness, the prior art references, when combined, must teach or suggest all the claim limitations. (emphasis added) See,
5 M.P.E.P. § 706.02(j).

As amended for reasons not pertaining to the § 103(a) rejection, independent claim 1 recites:

10 a porous surface sheet adjoining the absorption sheet, and having a first side
facing said absorption sheet and a second side configured to adjoin the
food; wherein said porous surface sheet is configured to prevent color
deterioration on a side of the food adjoining said porous surface sheet by
15 ***adding to the breathability*** of said absorption sheet ***in both the horizontal
and thickness directions.*** (emphasis added)

Independent claim 4 recites:

20 a porous surface sheet adjoining the absorption sheet, and having a first side
facing the absorption sheet and a second side configured to adjoin the food;
wherein the drip absorption mat is ***characterized by a ventilation
resistance, in the thickness direction, that does not exceed 1.00 Kpa·s/m.***
(emphasis added)

25 The art referred to in the application, as cited in the Office Action, fails to describe,
teach or suggest a surface sheet configured to add to the breathability of an absorption
sheet in the horizontal and thickness directions. It also fails to describe, teach or suggest
the low ventilation-resistance (i.e., highly breathable) drip absorption mat of the current
application.

30

The Background of the current application discloses that prior tray mats are known
to comprise a non-woven fabric with a film having apertures. In such a tray mat, the film
is a plastic sheet provided with numerous apertures having a three-dimensional shape. The
purpose of the apertures is to provide for a pathway for fluid to be absorbed into the
35 absorption sheet, and thereby be separated from the food. However, the apertures, as

described in the specification, and as described in the cited art, are not configured to add to the breathability of the absorption mat, such as by supporting a hollow cavity, and are not configured to provide a low level of ventilation resistance in the thickness direction.

5 Moreover, the breathability of an ordinary, non-woven sheet is not enough to form oxymyoglobin, which not only gives a vivid attractive color to meat, but also delays formation of metmyoglobin, a causative agent of color discoloration. Therefore, it is required to increase the breathability of the absorption sheet beyond a typical ventilation resistance level of a non-woven fabric, to sufficient extent to form the oxymyoglobin, and
10 for this purpose the applicant increased the breathability of the absorption mat, not only in thickness direction but also in the horizontal direction.

 Because the cited art fails to teach or suggest the absorption mat as recited in claims 1 and 4, the cited art fails to establish a *prima facie* case of obviousness.

15 Dependent claims 2-3 and 5-10 incorporate the limitations of independent claims 1 and 4, respectively. Accordingly, the rejection of claims 1-10 under 35 U.S.C. § 103(a) is improper, and Applicants respectfully request it be withdrawn.

20 ii) Additional Comments on the Office Action Remarks

 Applicants respectfully note that there is a difference between recognizing a general desired result such as breathability, and inventing a particular device configured to accomplish the result in a particular way. For example, knowing that an air-permeable
25 sheet is desirable (as described in the Derwent reference) does not inherently suggest that a surface sheet should be configured to add to breathability to an absorption sheet in both the horizontal and thickness directions.

 Additionally, Applicants note that their comments regarding a hollow cavity
30 pertain to the structure disclosed to provide the claimed features regarding breathability.

C) REJECTIONS OF CLAIMS 11-21 UNDER 35 U.S.C. § 103(a)

Claims 11-21 were rejected under 35 U.S.C. § 103(a), over Applicants' admitted prior art in view of O'Connor et al., U.S. patent publication US 2003/0108646 A1.

5

Applicants note that the prior amendment to Claim 17 was drafted by Applicants' U.S. attorneys, and was intended to make the claim easier to read. The present amendment to claim 17 is intended to more correctly identify the scope of claim 17, as intended by the Applicants. Neither of these amendments relate to patentability.

10

Attached please find a certified translation of Japanese Patent Application No. 2001-028776, one of two priority documents for the current application. The filing date of this Japanese priority document is February 5, 2001, antedating the O'Connor et al. reference. Applicants respectfully request the rejections of claims 11-21, under 35 U.S.C. § 103(a), be withdrawn.

15

D) CORRECTION OF PRIOR AMENDMENT

Applicants note with apologies that the prior Amendment, in the Remarks section on pages 10 and 11, misstated the text of claims 1 and 4 due to a word processing error.

20

E) CONCLUSION

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

SHIBATA et al.

By: 

John A. Griecci

Registration No. 39,694

For: The Law Office of John A. Griecci

703 Pier Avenue, Suite B #657
Hermosa Beach, CA 90254
(310) 376-6527